



#4
REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Habing et al.
Serial No: 08/967,473
Filed: 11/11/97
Title: ARTICULATED LOWER BODY EXERCISER

An application to reissue:

Pat. No: 5,499,956
Issued: 3/19/96

REISSUE DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

As an inventor named in the above-identified reissue application, the specification of which is reproduced in U.S. Pat. No. 5,499,956, I hereby declare that:

37 C.F.R. § 1.63 Requirements

My residence, citizenship, and post office address are as stated below;

I am a joint inventor of the claimed invention;

I have reviewed and understand the contents of this application, including the claims;

I believe I am an original and first inventor of the subject matter which is claimed in this application;

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I acknowledge the duty to disclose information which may be material to the examination of this application in accordance with 37 C.F.R. 1.56(a); and

37 C.F.R. § 1.175 Requirements

I believe the original patent, U.S. Pat. No. 5,499,956, is partly inoperative because it claims less than what could have been claimed;

One error being relied upon as the basis for reissue is that the original patent does not claim the invention in terms similar to certain claims set forth in U.S. Pat. No. 5,573,480 to Rodgers, Jr.;

Another error being relied upon as the basis for reissue is that the original patent does not claim the invention in terms of a foot support that is (a) constrained to move in regulated fashion in a first direction and (b) free to move in unregulated fashion in a second, generally orthogonal direction;

All errors being corrected in this application (up to the time I read and executed this Declaration) arose without any deceptive intention on my part; and

37 C.F.R. § 1.68 Requirements

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and these statements are made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States

Code, and that willful false statements and the like may jeopardize the validity of this application and any resulting patent.

Inventor:

Theodore G. Habing
(Signature)

Date:

5-11-98

Inventor:

Theodore G. Habing

Residence:

11348 ^{California} Murray Ln.

Citizenship: U.S.A.

Address:

11348 Murray Ln., Santa Ana, CA 92705

Inventor:

Robson L. Splane, Jr.
(Signature)

Date:

4/14/98

Inventor:

Robson L. Splane, Jr.

Residence:

California

Citizenship: U.S.A.

Address:

10850 White Oak Ave, Granada Hills, CA 91344



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DECLARATION OF SMALL ENTITY STATUS

On behalf of Stearns Technologies, Inc., a Texas corporation having a principal place of business at 8009 Cadell, Houston, Texas 77055, I, Kenneth W. Stearns, hereby declare that:

I am authorized to execute this Declaration on behalf of Stearns Technologies, Inc;

Stearns Technologies, Inc. is the owner of U.S. Pat. No. 5,499,956 and the above-identified application to reissue same;

Stearns Technologies, Inc. qualifies as a small business concern, as defined in 37 C.F.R. 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Title 35 of the United States Code;

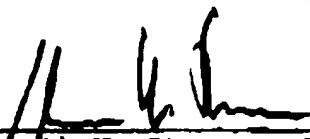
Stearns Technologies, Inc. has not assigned, granted, conveyed, or licensed, nor is it under any obligation to assign, grant, convey, or license any rights in U.S. Pat. No. 5,299,993 to Habing, or the invention described therein, to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which could not qualify as a small business concern under 37 C.F.R. 1.9(d), or as a nonprofit organization under 37 C.F.R. 1.9(e);

In accordance with 37 C.F.R. 1.28(b), I am under a duty to file notification of any change resulting in loss of entitlement to small entity status; and

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; these statements are made with the knowledge that willful false statements and the like are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and with knowledge that any such willful false statements and the like may jeopardize the validity of any resulting patent.

FURTHER DECLARANT SAYETH NOT.

STEARNS TECHNOLOGIES, INC.



Kenneth W. Stearns, President

5-18-98

Date

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ASSIGNMENT

WHEREAS, NordicTrack, Inc., having a principal place of business at 104 Peavey Road, Chaska, Minnesota 553138 ("NordicTrack"), is the owner of U.S. Pat. No. 5,299,993 to Habing and U.S. Pat. No. 5,499,956 to Habing et al. ("Habing Patents"); and

WHEREAS, Stearns Technologies, Inc., having a principal place of business at 8009 Cedel, Houston, Texas 77055 ("Stearns"), wishes to acquire all right, title and interest in and to the Habing Patents;

NOW, THEREFORE, for One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

NordicTrack hereby covenants that it possesses full right to sell, assign and transfer U.S. Pat. No. 5,299,993 and U.S. Pat. No. 5,499,956 ("Habing Patents"), and further, that it is unaware of any assignment, grant, mortgage, license, or other agreement affecting either of the Habing Patents; and

NordicTrack hereby sells, assigns and transfers to Stearns all right, title and interest in and to the Habing Patents.

IN TESTIMONY WHEREOF, NordicTrack executes this Assignment as of November 2, 1997.

NORDICTRACK, INC.

Signature: _____

Printed Name: _____

Title: _____

Jeff Zurek

JEFF ZUREK

V.P. PRODUCT DEVELOPMENT
